

IOI-434CIP

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re U.S. Patent Application )

Applicant: Johnson et al. )

Serial No. 10/613,323 )

Filed: July 3, 2003 )

For: MODULAR KNEE PROSTHESIS )

Art Unit: 3738 )

Examiner: Suzette Jamie Jackson )

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Division, U.S. Patent and Trademark Office, (703) 305-  
8568 on the date below.

January 10, 2005  
Date

  
Registration No. 41,017  
Attorney for Applicants

PETITION TO WITHDRAW FROM ISSUE UNDER 37CFR 1.313(c)(3)

Mail Stop Express Abandonment  
Pre-Grant Publication Division  
U.S. Patent and Trademark Office  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests express abandonment of the above-captioned application in  
favor of Continuing Application No. 11/009,498.

In the event Applicants have overlooked the need for an extension of time or payment of fee,  
Applicants hereby petition therefore and authorizes that any charges be made to Deposit Account No.  
50-2779, ZIMMER TECHNOLOGY, INC.

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If any questions regarding this Application should arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

ZIMMER TECHNOLOGY, INC.

By



Jonathan D. Feuchtwang, Esq.  
Registration No. 41,017

January 10, 2004  
Zimmer Technology, Inc.  
150 North Wacker Drive  
Suite 1200  
Chicago, Illinois 60606  
Telephone: (312) 372-2859  
Facsimile: (312) 372-2906  
[jonathan.feuchtwang@zimmer.com](mailto:jonathan.feuchtwang@zimmer.com)  
Customer No. 37235

IOI-434CIP

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re U.S. Patent Application )

Applicant: Saladino et al. )

Serial No. 10/613,323 )

Filed: July 3, 2003 )

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Date

  
Registration No. 41,017  
Attorney for Applicants

FACSIMILE TRANSMITTAL

Pages including cover sheet: 9

Attached is the following: Transmittal; Fee Transmittal; Express Abandonment Under 37 CFR 1.138; and  
Petition to Withdraw From Issue

(X) If a Petition under 37 C.F.R. 1.136(a) for an extension of time for response is required to make the attached response timely and does not separately accompany this transmittal, Applicant hereby petitions under 37 C.F.R. 1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely.

(X) The Commissioner is hereby authorized to charge any additional fees which may be required to this application under 37 C.F.R. 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2779. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2779. A duplicate copy of this sheet is enclosed.

January 10, 2005

Zimmer Technology, Inc.

150 North Wacker Drive

Suite 1200

Chicago, Illinois 60606

Telephone: (312) 372-2859

Facsimile: (312) 372-2906

Customer No. 37235

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Applicant: Saladino et al. )

Serial No. 10/613,323 )

Filed: July 3, 2003 )

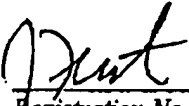
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Art Unit: 3738 )

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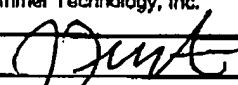
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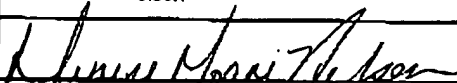
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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/813,323	
	Filing Date	July 3, 2003	
	First Named Inventor	Joseph Saladino	
	Art Unit	3738	
	Examiner Name	Suzette Jamie Jackson	
Total Number of Pages In This Submission	9	Attorney Docket Number	101-434

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input checked="" type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Express Abandonment Under 37CFR1.138 Petition to Withdraw From Issue		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Jonathan D. Feuchtwang, Reg. No. 41,017 Zimmer Technology, Inc.	
Signature		
Date	January 10, 2004	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Denise Moani Nelson		
Signature		Date	January 10, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

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# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$) 130.00

### Complete if Known

Application Number	10/613,323
Filing Date	July 3, 2003
First Named Inventor	Joseph Saladillo
Examiner Name	Suzette Jamie Jackson
Art Unit	3738
Attorney Docket No.	101-434

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

 Deposit  
Account  
Number  
Deposit  
Account  
Name

50-2779

Zimmer Technology, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

**SUBTOTAL (1)** (\$)

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 280	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$)

\*\*or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,640*	1805 1,640*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 840	2503 320	Plant issue fee	
1400 130	1400 130	Petitions to the Commissioner	130.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$) 130.00

### SUBMITTED BY

Name (Print/Type) Jonathan D. Feuchtwang

Registration No. 41,017

(Complete if applicable)

Telephone 312 372 2860

Signature

Date January 10, 2004

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First Named Inventor Joseph Galadino  
Examiner Name Suzette Jamie Jackson  
Art Unit 3738  
Attorney Docket No. IOI-434

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Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00

## SUBMITTED BY

Name (Print/Type)	Jonathan D. Feuchtwang	Registration No. (Attorney/Agent)	41,017	Telephone	312 372 2860
Signature		Date	January 10, 2004		

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